

**REMARKS**

The Examiner indicates that Applicants' arguments filed on July 14, 2004 "have been fully considered but they are not persuasive." This is not understood--at least with respect to the obviousness rejection. Claims 4-7, 8, 18, 19, 27, 28, 29 and 36-38 stand rejected under 35 U.S.C. §103 as being unpatentable over Willars and further in view of Jamal. This rejection was respectfully traversed in a prior response for the following reasons:

"First, the Willars and Jamal et al. patents are not prior art under §102(e), (f), or (g) for purposes of determining nonobviousness. As recited in 35 U.S.C. §103(c):

subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability of this section when the subject matter and the claimed invention were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Here, the subject matter of both Willars and Jamal, as well as the claimed invention, were at the time the invention was made, owned by Telefonaktiebolaget LM Ericsson or were subject to an obligation of assignment to Telefonaktiebolaget LM Ericsson. Second, even if the combination of Willars and Jamal could be made, that combination fails to remedy the deficiencies already noted above."

Accordingly, Applicants respectfully request that the §103 rejection be withdrawn for reasons quoted above from the previous response.

Claims 1-3, 10-17, 24-26, 30-35 and 39-42 stand rejected under 35 U.S.C. §102(e) as being unpatentable over commonly assigned U.S. Patent 6,507,567 to Willars. This rejection is respectfully traversed because Willars does not teach each and every feature of the rejected claims.

In the last response Applicants requested that if the Examiner elected to maintain the rejections, that “the Examiner is requested to identify in Willars the different SRNC and DRNC, each of the three different inter-RNC transport bearers, and the specific types of information/supervision associated with each one of the three bearers.” (See page 5 of the last response). The Examiner has not provided the information requested by Applicant.

The Examiner still refers to the same single RNC 26 in Willars for both the SRNC and the DRNC. This simply does not make sense. For example, claim 1 clearly recites a “serving radio network controller (SRNC) coupled to one or more radio base stations and a drift radio network controller (DRNC) coupled to one or more radio base stations.” Applicants also asked the Examiner to identify where each of the claimed three different inter-RNC transport bearers recited in claims 15 and 32 were disclosed in Willars. If the Examiner reviews Figs. 3, 6, and 7 of Willars, it is clear that there is only one radio network controller 26. And all that is shown between the radio network controller 26 and a base station 28 is a transport processing path link for the common channel CCH and a path link for a dedicated channel DCH. There is no RAN transport bearer described “to transport information supervised by the SRNC,” coupled with “a

second transport bearer to transport information supervised by the DRNC,” coupled with “a third RAN transport bearer to transport DRNC-originated information from the DRNC to the base station.” In addition to not describing bearers associated with both an SRNC and a DRNC for a particular connection, the three specifically-recited RAN transport bearers are not disclosed. There is certainly no transport bearer disclosed in Willars that transports “DRNC-originated information from the DRNC to the base station.”

Returning to independent claim 1, the Examiner ignores the fact that the claimed first and second transport bearers are radio access network (RAN) transport bearers and not radio channels. Radio channels are used to communicate information from the base station to a mobile station over the radio interface. The claimed transport bearers transport data between different nodes within the radio access network and do not relate to information which is transmitted via the radio interface over a radio channel. Column 8, lines 40-57; column 2, line 54- column 3, line 16; column 3, lines 25-60; and column 10, lines 10-35 specifically relate to selecting a particular type of radio channel to carry data provided by the UTRAN 24. As explained in the specification and in the last response, RAN transport bearers are not the same thing as radio channels.

With respect to independent claims 1, 24 and 39, the Examiner is respectfully requested to specifically identify where Willars establishes a separate transport bearer between a controlling radio network controller and a base station to transport controlling RNC-originated control information related to how user data will be transmitted by the base station. That transport bearer between the controlling RNC and the base station is

not the same thing as a radio channel, regardless of whether a shared radio channel or a dedicated radio channel is ultimately used to convey the user traffic over the radio interface. With regard to just claim 24, the Examiner is also requested to show where Willars discloses the claimed second transport bearer between the RAN node and the base station that transports control information originated in the RAN node, “wherein the control information indicates to a mobile radio unit receiving transmissions from the base station information needed to decode information transmitted over the shared radio channel.” Note again, the RAN transport bearers are not the same as radio channels.

Lacking multiple features recited in each of the independent claims rejected for anticipation based on Willars, Applicants respectfully request withdrawal of the anticipation rejection.

Claims 20-23 remain rejected under 35 U.S.C. §102(e) as being anticipated by Jamal. This rejection is respectfully traversed.

Although the claims may be interpreted broadly, they still must be interpreted in light of the specification and reasonably. Nor can claim language set forth in the claim be ignored or dismissed. Here, the independent claim 20 clearly distinguishes between RAN transport bearers and radio channels. They are not the same thing. The Examiner’s attempt to read the RAN transport bearer onto particular physical radio transport channels that cross the radio interface is unreasonable and inconsistent with what is recited in the claims.

The Examiner has not addressed in the "Remarks" section of the last response the distinctions made with respect to Jamal. As explained in the last response, Jamal does not disclose each and every feature recited in claim 20-23.

Jamal describes implicit resource allocation in a radio communication system where no explicit signaling is needed to specifically identify an allocated communication resources. Instead, resources are allocated using one or more parameters known to both the radio access network and the mobile station that are more or less unique to the mobile station.

In contrast, claim 20 describes that the computer-generated data signal is communicated over a transport bearer established between a drift radio network controller and a base station, both of which are contained within a radio access network. This data signal transport does not correspond to information sent by the base station over the radio interface to a mobile station. Moreover, there is no indication where Jamal discloses that the same computer-generated data signal that includes the frame number also includes "a transport format field." None of the overhead information specifically described in the text referenced by the Examiner in columns 7 and 8 describes a signal that has both a frame number field and a transport format field.

The Examiner also highlights lines 50-53 in column 7. This text simply says that the mobile station uses the broadcast parameters "for use in the determination of an uplink scrambling code." Thus, to the extent that the Examiner is contending that a scrambling code might be conveyed in a transport format field, this text in Jamal *teaches*

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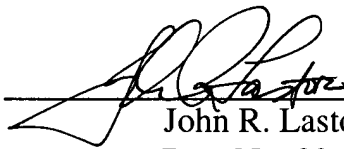
away from sending a scrambling code in the broadcast message. Rather, Jamal's goal is to avoid sending the scrambling code and to have the mobile station determine the scrambling code using other information that does not relate to the scrambling code itself. There is certainly no teaching in Jamal's columns 7 and 8 that the transport field includes "information that may be used to address a transport format table stored in a mobile unit," as recited in claim 21, or a transport format combination indicator (TFCI) generated by the drift radio network controller (DRNC), as recited in claim 23.

The application is in condition for allowance. An early notice to that effect is earnestly solicited. If the Examiner is of the opinion that a telephone call would help facilitate allowance of this application, the Examiner is invited to contact the undersigned at 703-816-4025.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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